

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: T. WEST

Application No.: 10/633,575

Filing Date: August 5, 2003

For: TUNGSTEN CARBIDE-BASED ANNULAR  
JEWELRY ARTICLE

Confirmation No.: 5437

Group Art Unit: 3677

Examiner: W. Miller

Attorney Docket No.: 81876-4095



**DECLARATION OF TRENT WEST**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Trent West, hereby declare that:

1. I am a citizen of the United States, and I am also the owner of Trent West, Inc., a California company having a place of business at 41 Hangar Way, Watsonville, CA 95076.
2. I am the inventor and sole owner of all rights in the above-noted patent application.
3. I have over 35 years experience in the manufacture, marketing and sales of jewelry articles, and about 8 years experience with tungsten-carbide based jewelry methods, marketing, and articles in particular.
4. I have read and understand the above-identified patent application and the claims as presently pending. I am making the following statements as one of ordinary skill in the art in support of the patentability of pending claims.
5. The inventive jewelry ring, as claimed in the present application, was made available for commercial sale beginning in 2000 throughout the United States under the names "TrewTungsten®" and/or "Permanently Polished™" bands. There has been minimal advertising in connection with this product, and no direct television or radio advertising. The

only advertisement of any kind to promote the products according to the invention is in print, and the products became known to my customers only through word of mouth and a few brochures and literature that we publish and distribute for a variety of our products and presentations on various jewelry conventions. My main catalog, for example, lists approximately a dozen and a half types of jewelry rings according to the claimed invention. This is distributed primarily to a few hundred retailers around the country, and is included with every ring shipment. A copy of my catalog from 2000 is attached as Exhibit A. A catalog of similar size has been prepared each year, and a copy of my catalog from 2004 is attached as Exhibit B to further demonstrate that these tungsten-carbide based rings are all according to the invention. Each of the rings in these catalogs is according to the claimed invention.

6. The claimed, inventive tungsten-carbide rings are now sold in almost every state in the U.S. The success of my rings according to the claimed invention has been phenomenal in my view. In four years my sales have increased significantly, as noted below. The sales have been steadily ramping upwards each and every year since they were first commercially sold in 2000. In particular, the gross revenues for each year are set forth below. Also set forth below are the net revenues (*i.e.*, gross revenues less advertising and marketing expenses and sales commissions).

Year	Gross Revenues	Net Revenues*
2000	\$281,100	\$243,700
2001	\$889,300	\$844,100
2002	\$1,620,000	\$1,591,800
2003	\$2,100,000	\$1,984,200
2004	\$2,351,000	\$2,256,000

\* After deducting advertising, marketing, and commissions

7. These sales numbers correspond to a significant increase in market share for the tungsten-carbide rings. Before my commercial sales, to the best of my knowledge there were not any tungsten-carbide jewelry rings available for sale anywhere. Thus, initially, the claims rings were 100% of the market until others recently latched onto my ideas and began selling knock-off rings. In spite of the recent copying by several others that began a few years after the successful commercial sales of jewelry rings according to the claimed invention, I estimate that I still retain at least 70% of the market for tungsten-carbide

rings because of the superior inventive products claimed in the above-noted patent application.

8. Tungsten-carbide rings according to my invention are a high-end segment of the jewelry business. Tungsten-carbide based rings according to the invention are sold at a price that is significantly higher than traditional gold- and silver-based jewelry rings. The nearest comparison in terms of price to the inventive tungsten-carbide based rings of the invention are platinum bands and platinum/18K gold bands. The rings according to the invention are sold at prices that are similar to those platinum and platinum/18K gold bands, which represent the high-end market segment of jewelry rings. In particular, bands according to the claimed invention are priced at approximately twice that of conventional 14K gold bands, and approximately 50% greater than conventional 18K gold bands. For many consumers, a reasonably low purchase price is the most important reason for purchasing a particular ring. In spite of this, I have discovered a need--and developed the market--for higher-end rings that include predominantly tungsten-carbide that, to the best of my knowledge, did not previously exist.

9. The tungsten-carbide jewelry rings according to the claimed invention are long wearing and virtually indestructible during use of the ring. It is my opinion that the rings according to the invention are commercially successful as a result of inclusion of the tungsten carbide formed on at least one external facet to provide a predetermined shape with a pleasing appearance, even in spite of the higher cost of such jewelry rings compared to corresponding conventional products.

10. In my professional opinion, the sales of tungsten-carbide jewelry rings according to the invention demonstrate the outstanding commercial success of the present invention. Moreover, the fact that there has been no significant advertising program for the TrewTungsten® and Permanently Polished™ bands according to the claimed invention suggests that it is the product itself, the durability and performance of the product, and the methods of preparing the same, rather than advertising, commissions, or sales promotions, that has resulted in the high rate of sales, annually increasing amount of sales, and overall commercial success of the products.

11. I further declare that all statements made herein of my knowledge are true and all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Dated this 21<sup>st</sup> day of April 2005

Declarant:   
Trent West